

Chapter 417-01 WAC

ADMINISTRATIVE PROCEDURES

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WAC

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WAC 417-01-100 Purpose. The purpose of these rules is to establish administrative rules for the Washington state redistricting commission and to implement the provisions of article 2, section 43 of the state constitution and chapter 44.05 RCW.

[Statutory Authority: RCW 44.05.080(1). WSR 91-20-006, § 417-01-100, filed 9/19/91, effective 10/20/91.]

WAC 417-01-105 Description of organization. The Washington state redistricting commission is a five member commission appointed each year ending in one to accomplish legislative and congressional redistricting in accordance with article 2, section 43 of the state constitution and chapter 44.05 RCW. The membership consists of four voting members appointed by the leaders of the two largest political caucuses in the senate and house of representatives. The commission chair is selected by the voting members.

[Statutory Authority: RCW 44.05.080(1). WSR 01-13-123, § 417-01-105, filed 6/20/01, effective 7/9/01; WSR 91-20-006, § 417-01-105, filed 9/19/91, effective 10/20/91.]

WAC 417-01-110 Commission responsibilities and duties.

Pursuant to article 2, section 43 of the state constitution and chapter 44.05 RCW, the commission's duties are:

- (1) To accomplish state legislative and congressional redistricting;
- (2) To act as the legislature's recipient of the final redistricting data and maps from the United States Bureau of the Census;
- (3) To disclose and preserve public records as specified in chapters 42.17, 42.17A, and 40.14 RCW;
- (4) To hold open public meetings pursuant to the Open Public Meetings Act, RCW 42.30;
- (5) To prepare and disclose its minutes pursuant to RCW 42.32.030;
- (6) To prepare and adopt agency rules pursuant to the Administrative Procedure Act, chapter 34.05 RCW;
- (7) To prepare and publish a report with a redistricting plan as provided in RCW 44.05.080(7);
- (8) To distribute census data to counties for local redistricting as required by chapter 29A.76 RCW.

[Statutory Authority: RCW 44.05.080(2). WSR 11-15-010, § 417-01-110, filed 7/7/11, effective 8/7/11. Statutory Authority: RCW 44.05.080(1). WSR 01-13-123, § 417-01-110, filed 6/20/01, effective 7/9/01; WSR 91-20-006, § 417-01-110, filed 9/19/91, effective 10/20/91.]

WAC 417-01-115 Authority. These rules are adopted pursuant to the requirements of RCW 44.05.080(1) and the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 44.05.080(1). WSR 01-13-123, § 417-01-115, filed 6/20/01, effective 7/9/01; WSR 91-20-006, § 417-01-115, filed 9/19/91, effective 10/20/91.]

WAC 417-01-120 Definitions. The following definitions shall apply throughout this title:

(1) "Commission" shall mean the Washington state redistricting commission established pursuant to article II, section 43 of the state constitution and RCW 44.05.030;

(2) "Commissioners" shall mean the four voting commissioners appointed to the commission pursuant to article II, section 43 of the state constitution and RCW 44.05.030;

(3) "Chair" shall mean the nonvoting chairperson of the commission, appointed by the voting members pursuant to article II, section 43 of the state constitution and RCW 44.05.030(3). [Statutory Authority: RCW 44.05.080(1). WSR 91-20-006, § 417-01-120, filed 9/19/91, effective 10/20/91.]

WAC 417-01-125 Offices. (1) The commission office is located at 1007 Washington Street S.E., Olympia, Washington. The mailing address is: Washington State Redistricting Commission, P.O. Box 40948, Olympia, WA 98504-0948. Telephone and facsimile number: 360-524-4390. Internet address: www.redistricting.wa.gov. Electronic mail address: contact@redistricting.wa.gov. Office hours for the commission shall be from 8 a.m. to 5 p.m. on all normal business days. Office hours for inspection and copying of public records shall be as provided in chapter two hereof.

(2) The commission address and contact information shall remain in effect for the duration of the 2021-2022 commission. Inquiries after that date shall be directed to the secretary of state.

[Statutory Authority: RCW 44.05.080. WSR 21-13-142, § 417-01-125, filed 6/22/21, effective 7/23/21. Statutory Authority: RCW 44.05.080(2). WSR 11-15-010, § 417-01-125, filed 7/7/11, effective 8/7/11. Statutory Authority: RCW 44.05.080(1). WSR 01-13-123, § 417-01-125, filed 6/20/01, effective 7/9/01; WSR 91-20-006, § 417-01-125, filed 9/19/91, effective 10/20/91.]

WAC 417-01-127 Communications, inquiries and requests.

Communications, inquiries and requests to the commission and staff concerning commission rules, meetings, or other matters may be made in person, by letter, by telephone, by telefax or by electronic means to the offices listed in WAC 417-01-125(1).

Requests for public records must be made in writing.

[Statutory Authority: RCW 44.05.080(1). WSR 01-13-123, § 417-01-127, filed 6/20/01, effective 7/9/01.]

WAC 417-01-130 Officers. (1) There shall be an executive director of the commission who shall be responsible to the commission for the overall administration of the commission and its business, and who shall have such other duties and responsibilities as the commission may from time to time decide.

(2) The executive director shall report to the chair.

[Statutory Authority: RCW 44.05.080(1). WSR 01-13-123, § 417-01-130, filed 6/20/01, effective 7/9/01; WSR 91-20-006, § 417-01-130, filed 9/19/91, effective 10/20/91.]

WAC 417-01-135 Staff. The executive director, with the approval of the chair, shall appoint such assistants and employees as may be appropriate and necessary to the functions of the commission, and shall supervise the assistants and employees.

[Statutory Authority: RCW 44.05.080(1). WSR 01-13-123, § 417-01-135, filed 6/20/01, effective 7/9/01; WSR 91-20-006, § 417-01-135, filed 9/19/91, effective 10/20/91.]

WAC 417-01-137 Required training. All commission staff and members shall complete open government training sufficient to comply with the training requirements of RCW 42.30.205 within 30 days of hiring or appointment.

WAC 417-01-140 Professional advisors. The commission may, by majority vote, appoint attorneys, advisors and others to assist it in the conduct of its duties, and they shall have such

duties and receive such compensation and reimbursement as the commission may from time to time, by majority vote, determine. [Statutory Authority: RCW 44.05.080. WSR 21-13-142, § 417-01-140, filed 6/22/21, effective 7/23/21. Statutory Authority: RCW 44.05.080(1). WSR 91-20-006, § 417-01-140, filed 9/19/91, effective 10/20/91.]

WAC 417-01-145 Political activities. Neither the chair, nor any commissioner shall:

(1) Campaign, as a candidate, for any elective office while a member of the commission;

(2) Actively participate in or contribute to any political campaign of any candidate for any state or federal elective office while a member of the commission;

(3) Hold or campaign for a seat in the U.S. Congress or in the legislature of this state until two years have elapsed following the effective date of the redistricting plan adopted pursuant to RCW 44.05.100.

[Statutory Authority: RCW 44.05.080(1). WSR 01-13-123, § 417-01-145, filed 6/20/01, effective 7/9/01; WSR 91-20-006, § 417-01-145, filed 9/19/91, effective 10/20/91.]

WAC 417-01-150 Meetings. (1) Regular meetings: The commission shall meet regularly during the months of April through December in each year ending in one, at the commission's offices, or other suitable location, in Olympia, as published in the *Washington State Register*.

(2) Special meetings: The commission shall meet at other times and places, at the call of the chair or of a majority of the commissioners. Notice of special meetings shall be given at least twenty-four hours before the time of such meeting as specified in the notice, to the media and to all others who have requested notice of commission meetings.

(3) Agenda: The chair, or the commission majority calling a special meeting, shall propose an agenda for the meeting, which shall be distributed to commissioners, to the media, and to others who have requested notice, at the earliest practical date prior to the meeting.

[Statutory Authority: RCW 44.05.080(2). WSR 11-15-010, § 417-01-150, filed 7/7/11, effective 8/7/11. Statutory Authority: RCW 44.05.080(1). WSR 01-13-123, § 417-01-150, filed 6/20/01, effective 7/9/01; WSR 91-20-006, § 417-01-150, filed 9/19/91, effective 10/20/91.]

WAC 417-01-155 Conduct of commission business. (1) Three voting members of the commission shall constitute a quorum for the conduct of business.

(2) The votes of any three of the commissioners shall be required for any official action of the commission: Provided, That the executive director shall have the authority on behalf of the commission to execute contracts and leases, and approve expenditures and reimbursements, related to the business of the commission. The executive director may, without the prior approval of the commission, authorize expenditures not to exceed \$30,000. Expenditures made pursuant to this section shall be reported as a separate item on the agenda at the next commission meeting.

(3) The chair shall not have a vote at any meeting of the commission.

(4) Commission meetings shall be conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW).

(5) The commission shall not adopt any redistricting plan, or partial redistricting plan, except at a public meeting, notice of which has been given in accordance with these rules.

(6) The commission shall not take any action by secret ballot.

(7) Motions shall not require a second in order to be placed before the commission for a vote.

(8) All public meetings of the commission shall be electronically recorded. The minutes and tapes thereof shall be available to the public in accordance with the rules regarding access to public records held by the commission. At all meetings of the commission where public testimony regarding redistricting boundaries is a scheduled agenda item, the commission shall provide for the presence of a court reporter to record such testimony. A typewritten transcript of such testimony shall be prepared as soon as possible after such hearings and shall be made available to the public in accordance with the rules regarding access to public records held by the commission. The transcript of a court reporter prepared pursuant to this section shall become part of the official records of the commission.

(9) Except as provided in this section, the chair shall preside at all meetings. In the event of the chair's absence the commission shall select from among the voting members a temporary chair to preside in the chair's absence. The position of temporary chair shall alternate between a member of the two parties represented on the commission.

(10) The commission may not convene a public meeting and then recess to enable members to deliberate among themselves, except for those matters permitted under RCW 42.30.11 for executive session.

(11) The commission may not vote on the adoption of a final redistricting plan in private. The commission may not negotiate an agreed-upon framework for a final redistricting plan in private.

(12) Before the commission considers any motion to approve a final redistricting plan, the commission shall make publicly available the plan that is the subject of the motion, including the congressional and legislative district maps that depict the boundaries contemplated by the motion.

(13) Any final redistricting plan approved in conformance with article II, section 43(6) of the Constitutions shall include, at the time of any vote to approve the plan, completed final maps showing the division of the state into congressional or legislative districts and complete descriptions of each district using official census units such as tracts and blocks.

(14) The commission shall open for comment by the members any motion to approve a final redistricting plan prior to any vote on the motion.

[Statutory Authority: RCW 44.05.080. WSR 21-13-142, § 417-01-155, filed 6/22/21, effective 7/23/21. Statutory Authority: RCW 44.05.080(2). WSR 11-15-010, § 417-01-155, filed 7/7/11, effective 8/7/11. Statutory Authority: RCW 44.05.080(1). WSR 01-13-123, § 417-01-155, filed 6/20/01, effective 7/9/01; WSR 91-20-006, § 417-01-155, filed 9/19/91, effective 10/20/91.]